



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2712  
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF NURSING Meeting Minutes</b>
<b>DATE AND TIME:</b>	<b>Wednesday, May 11, 2011 at 9:00 a.m.</b>
<b>PLACE:</b>	<b>Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904</b>
<b>APPROVED:</b>	<b>June 8, 2011</b>

**MEMBERS PRESENT**

Evelyn Nicholson, President, Public Member  
Robert Contino, RN, Vice President, Nurse Educator Member  
Dianne Halpern, RN Member  
Delphos Price, APN Member  
Pamela Tyranski, RN Member  
Robert Maddex, Public Member  
Tracy Littleton, LPN Member  
Harland Sanders, Public Member  
Barbara Peterson, RN Member  
Madelyn Nellius, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Pamela Zickafoose, Executive Director  
Patty Davis-Oliva, Deputy Attorney General  
Sandra Wagner, Administrative Specialist III  
Barbara Gadbois, Deputy Attorney General

**MEMBERS ABSENT**

Tammy Ward, RN Member  
Lyron Deputy, RN Member  
Mary Lomax, Public Member  
Kathy Bradley, LPN Member

**ALSO PRESENT**

Tammy Paxton, Delaware Technical & Community College, Owens Campus  
Barbara J. Robinson, Leads School of Technology  
Connie Bushy, Beebe School of Nursing  
Lisa Schieffert, Delaware Healthcare Association  
Mary Hulsing  
Jamie Clark  
Daniel Griffith, Esq.  
Nursing Students

Ms. Nicholson called the meeting to order at 9:00 a.m.

### **REVIEW OF MINUTES**

The Board reviewed the minutes of the meeting held on April 13, 2011. Dr. Peterson made a motion, seconded by Ms. Littleton, to approve the minutes with amendments. The motion was carried.

### **ADOPTION OF THE AGENDA**

Mr. Price made a motion, seconded by Dr. Peterson, to adopt the agenda. The motion was carried.

### **ACTIVITIES REPORT**

Dr. Zickafoose provided the report of the number and types of active licenses as of May 10, 2011.

Total Active Licenses = 18,882

APN = 1,136

RN = 14,749

LPN = 2,997

Total permits 39

### **UNFINISHED BUSINESS**

At the April meeting, Vickie Cox, AWSAM representative, presented the Board with several policy and procedure changes that she would like to implement. The Board had a discussion on the proposed changes for AWSAM. Mr. Price asked if this was even needed since the Board may be getting Medication Aides. Dr. Zickafoose said that for now AWSAM is what is in place. She also stated that discussion on Medication Aides has just started and it will be a while before or if this gets implemented. Dr. Contino made a motion, seconded by Mr. Price, to accept the AWSAM revisions that Ms. Cox recommended. The motion was carried.

### **COMMITTEE REPORTS**

Dr. Zickafoose reported that the Practice & Education Committee is meeting on May 23, 2011 at 9AM. The purpose of this meeting is to review the May 1<sup>st</sup> reports due from schools not meeting the 80% rule. She added they would also be reviewing several new education program requests. The Joint Practice Committee is meeting on May 24, 2011 at 5PM at the DTCC-Stanton Campus. The purpose of this meeting is to review applications for prescriptive authority for APNs.

### **PRESIDENT'S REPORT**

Ms. Nicholson acknowledged all the nurses in our state as they celebrate National Nurses Week by stating she greatly appreciates the vital role that nurses play in providing the citizens of Delaware excellent health care. She also gave a special "thank you" to the professional members on the Board of Nursing, stating the "professional knowledge and expertise that they bring to this Board is invaluable, and the dedication and service that they give to the Board is greatly appreciated".

### **EXECUTIVE DIRECTOR'S REPORT**

Dr. Zickafoose reported that she did not have a written report as she returned from Chicago early this morning from the NCSBN Executive Officer orientation. She stated this meeting was very helpful in her new role as it provided a very good overview of the organization of NCSBN and outlined the obligations of the NCSBN to the state boards of nursing and vice versa. The NCSBN supports us in many ways as evidenced by the numerous conferences they are funding for board member and support staff attendance. Tracy Littleton is going to the Long Term Care conference, Roger Akin is going to the

Attorney/Investigator conference, Dr. Lomax is going to the NLC and Public Members conference, and Dr. Contino is going to the NLCEX conference. All are being funded by NCSBN.

### **NEW BUSINESS BEFORE THE BOARD**

#### **By Examination**

There were no applicants by Examination for May.

#### **By Endorsement**

Gino Silvestri, RN - Mr. Silvestri's criminal background showed that he pled guilty to burglary on September 26, 1995, a crime found to be substantially related to the practice of nursing according to Board Rule 15.3.8. Mr. Silvestri submitted documents that showed he had completed all requirements for the probation he served. Dr. Peterson made a motion, seconded by Mr. Price, to grant Mr. Silvestri a waiver in accordance with 24 *Del.C.* § 1910(5). By unanimous vote, the motion carried.

Dominick Carella, RN - Mr. Carella's criminal background showed he pled guilty to simple assault on May 20, 2007 and criminal mischief with damage on February 8, 2008, crimes found to be substantially related to the practice of nursing according to Board Rules 15.2.3 and 15.3.5. Mr. Carella received probation for 12 months for criminal attempt/criminal trespass. Dr. Contino made a motion, seconded by Mr. Maddex, to propose to deny licensure based on the applicant's ineligibility for licensure pursuant to 24 *Del.C.* §1910(5) and 1922(A2). By unanimous vote, the motion carried.

#### **By Reinstatement**

Crystal Davis, RN- Ms. Davis's criminal background showed she pled not guilty to offensive touching, but was found to be guilty on May 22, 2005, a crime found to be substantially related to the practice of nursing according to Board Rule 15.2.7. Ms. Davis states she was sentenced to one year probation. She answered "no" to the conviction question on her application. Mr. Maddex made a motion, seconded by Ms. Tyranski, to propose to deny licensure based on the applicant's ineligibility for licensure pursuant to 24 *Del.C.* §1910(5) and 1922(A2). By unanimous vote, the motion carried.

### **ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON**

Mr. Price made a motion, seconded by Ms. Littleton, to ratify the following complaint assignments given to the respective Board contact person. The motion was carried by unanimous vote.

11-39-11 Halpern	11-42-11 Ward	11-45-11 Price	11-49-11 Deputy
11-40-11 Littleton	11-43-11 Tyranski	11-46-11 Price	11-50-11 Halpern
11-41-11 Bradley	11-44-11 Deputy	11-47-11 Bradley	

### **CLOSED COMPLAINTS**

Closed complaints do not need a vote; they are for information only to get into the record, and for our information to mark our files that the complaint was closed.

#### **Dismissed by the Attorney General's Office**

The following complaints were dismissed by the Attorney General's Office:

11-03-10	11-70-09	11-87-10
11-16-10	11-71-09	11-88-10
11-68-09	11-56-09	

Closed Investigations by the Division of Professional Regulation

There were no complaints closed by the Division of Professional Regulation in April.

**HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE**

Hearings

Ms. Davis-Oliva presented the Board with Orders ready for signature.

Michelle Ham  
Zakeea Green  
Kathleen Barkman  
Cindy Hewitt  
Shawnell Jackson-Thompson  
Maia Michael

Consent Agreement(s)

Alfred Eliason – RN – Board members reviewed the consent agreement. The Board expressed concern that this consent agreement did not articulate the “disciplinary conduct” Mr. Eliason engaged in and that “cancellation” of a license is not an available disciplinary sanction for engaging in disciplinary conduct. Mr. Price made a motion, seconded by Mr. Sanders, to deny the consent agreement for Mr. Eliason. By unanimous vote, the motion carried.

Jennifer Hardin – RN – Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Mr. Price, to approve the consent agreement for Ms. Hardin. The motion carried with Mr. Sanders, Dr. Peterson, and Ms. Littleton abstaining.

**HEARING PANEL FINDINGS/DECISIONS/ORDERS**

Appointment of New Panel Members

Ms. Nicholson publically acknowledged Hearing Panel #5 members (Mr. Deputy, Mr. Sanders, Ms. Bradley and Dr. Peterson) for their contributions and appointed Hearing Panel #6 for May, June and July with Dr. Contino as chair, Ms. Littleton and Mr. Maddox as members, and Dr. Peterson as the alternate. Mr. Sanders made a motion to approve and Mr. Price seconded the motion. The motion carried with a unanimous vote. Ms. Nicholson also thanked the new members for their willingness to serve. She confirmed for the hearing on May 16<sup>th</sup> that Ms. Littleton would not be able to serve and Ms. Halpern agreed to fill the vacancy.

Kadjedra Henry-LPN – The Board members reviewed the Board Order for Kadjedra Henry. After discussion, Dr. Contino made a motion, seconded by Ms. Halpern, to accept the Hearing Panel's Findings, Decision, and Order to suspend the LPN license of Kadjedra Henry. The motion carried, with Mr. Sanders recusing.

Kesha Sansone-LPN – The Board members reviewed the Board Order for Kesha Sansone. After discussion, Mr. Maddex made a motion, seconded by Dr. Contino, to accept the Hearing Panel's Findings, Decision, and Order to send a letter of reprimand and require Ms. Sansone to attend additional education, over and above what is needed for renewal, regarding therapeutic measures and dealing with difficult patients. The motion carried, with Ms. Halpern abstaining and Mr. Sanders recusing.

Darlene Santee-RN, LPN – The Board members reviewed the Board Order for Darlene Santee. After discussion, Mr. Price made a motion, seconded by Ms. Halpern, to accept the Hearing Panel's

Findings, Decision, and Order to suspend the RN and LPN licenses of Darlene Santee. The motion carried, with Mr. Sanders recusing.

Kelly Thomas-RN – The Board members reviewed the Board Order for Kelly Thomas. After discussion, Ms. Halpern made a motion, seconded by Ms. Nellius, to accept the Hearing Panel's Findings, Decision, and Order to place the RN license of Kelly Thomas on probation for 5 years, during which time she can **not** work in a hospital setting, and during which time she must complete additional education, over and above what is required for her license renewal, in the areas of record keeping, administration, and documentation. The motion carried, with Dr. Contino and Mr. Price abstaining and Mr. Sanders recusing.

Robert Rapone-RN – The Board members reviewed the Board Order for Robert Rapone. After discussion, Mr. Maddex made a motion, seconded by Dr. Contino, to accept the Hearing Panel's Findings, Decision, and Order to place the RN license of Robert Rapone on probation for a period of 3 years. During the probationary period, Mr. Rapone shall complete a continuing education course on ethical decision making. Ms. Littleton, Dr. Contino, Mr. Maddox, Ms. Nicholson and Ms. Nellius voted in favor, with Ms. Halpern, Mr. Price, and Ms. Tyranski voting "no". Mr. Sanders abstained. Dr. Peterson recused herself. The motion carried to accept the Hearing Panel's Order.

### **HEARINGS**

Proposed to deny hearing minutes below.

### **DISCIPLINARY HEARING**

Hearing minutes below.

### **LEGISLATIVE UPDATE**

#### **Rules and Regulations – Section 7 Standards of Nursing Practice and 14 Nurse Licensure Compact**

Dr. Zickafoose reported that HB 45 had passed both the House and Senate and is awaiting the Governor's signature. This bill bans licensure for anyone committing a felony sexual offense and requires revocation of any licensee convicted of such a crime. It also creates a mandatory duty for all licensees to report any "unprofessional conduct" of any other "health care professional." The failure to report is now a disciplinable offense.

Ms. Nicholson stated that SB 59 passed the Senate on May 5, 2011 and it is now going to the House. This bill pertains to Professional Regulation boards and changes the waiting period for a waiver of criminal convictions from 5 years after the discharge of the sentence to 5 years from the conviction date.

Dr. Zickafoose sent copies of Section 7 of the Rules and Regulations for the Board members to review. Dr. Contino made a motion, seconded by Ms. Halpern, to accept the changes made to section 7 and to move forward. The motion carried. The next step will be to have Section 7 published in the Register of Regulations and to schedule a public hearing for comments.

Dr. Zickafoose sent copies of Section 14 of the Rules and Regulations for the Board members to review. This section is for the compact requirements and we need to include updates from the Nurse Licensure Compact (NLC) Administrators in our Rules and Regulations. Dr. Zickafoose explained the changes must be included in order to remain a compact state and be in compliance with the NLC agreement. Dr. Contino made a motion, seconded by Ms. Halpern, to approve Section 14. The motion carried. The next step will be to have Section 14 published in the Register of Regulations and to schedule a public hearing for comments.

### **REVIEW OF COMPLIANCE**

There were no compliance issues.

### **PRACTICE WITHOUT LICENSURE REVIEWS (May)**

Dr. Zickafoose reported there were no cases of practice without licensure in May.

### **PRACTICE ISSUES**

#### **Volunteer Hours**

Dr. Zickafoose commented that she instructs applicants for volunteer hours to submit written documentation of the work they have been doing to include use of the nursing process and the number of hours volunteered.

Ms. Rita Kirk submitted volunteer hours to the Board for approval. Dr. Contino made a motion, seconded by Ms. Tyranski, to deny the request submitted by Ms. Kirk. The motion carried, with Mr. Price opposing.

Ms. Otuniya Ndego submitted volunteer hours to the Board for approval. Mr. Price made a motion, seconded by Mr. Sanders, to accept the request submitted by Ms. Ndego. The motion carried, with Dr. Contino, Ms. Nellius, and Mr. Maddex opposing.

Ms. Leona Davis submitted volunteer hours to the Board for approval. Dr. Peterson made motion, seconded by Mr. Price, to accept the request submitted by Ms. Davis. By unanimous vote, the motion carried.

### **EDUCATIONAL ISSUES**

DIHS sent a request for the Board's approval of a new program director and new faculty. Dr. Contino made a motion, seconded by Mr. Price, to accept Lisa Peace, RN, MSN, CCNP as the new program director and to accept Tonya Kenney as an additional faculty member to DIHS. The motion carried, with Dr. Peterson and Mr. Maddex abstaining.

### **LICENSURE ISSUES**

There were no licensure issues for April.

### **NCSBN**

Dr. Zickafoose covered the NCSBN under President's Report.

### **LICENSEE RATIFICATION**

Dr. Contino made a motion, seconded by Ms. Halpern, to ratify the Licensee list. By unanimous vote, the motion carried.

### **OTHER**

### **PUBLIC COMMENT**

A group of Nursing Students from Poly Tech said they really enjoyed sitting through the meeting and that it was more than they expected. They thanked the Board for upholding the standards for nurses.

### **NEXT SCHEDULED MEETING**

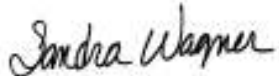
June 8, 2011 - 9:00 a.m.

861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904

**ADJOURNMENT**

The meeting was adjourned at 2:32 p.m.

Respectfully Submitted,



Administrative Specialist III  
Delaware Board of Nursing

**HEARING MINUTES**

**HEARING – Jamie Clark**

The Delaware Board of Nursing held a hearing on May 11, 2011, at 11:15 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Robert Contino, Tracy Littleton, Madelyn Nellius, Delphos Price, and Robert Maddex

**RECUSED:** Pamela Tyranski

**EXCUSED:** Kathy Bradley, Tammy Ward, Mary Lomax, and Lyron Deputy

**PURPOSE:** Proposed to Deny

**PRESIDING:** Evelyn Nicholson, President

**BOARD STAFF:** Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Patricia Davis-Oliva, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:**

**RESPONDENT:** Jamie Clark

**COUNSEL FOR THE RESPONDENT:**

**WITNESSES FOR THE STATE:**

**WITNESSES FOR THE RESPONDENT:**

**COURT REPORTER PRESENT:** Lorena Hartnett, Wilcox and Fetzer

**TIME STARTED:** 11:15 a.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Clark was present for the hearing. Ms. Clark entered a document as Applicant's Exhibit 1. The Board went off the record for deliberations at 11:36 a.m. The Board went back on the record at 11:45. Ms. Clark asked the Board if they would grant her a continuance of her hearing so that she would be able to supply documents that the Board would need to make their decision. Dr. Contino made a motion, seconded by Mr. Price, to grant a continuance of Ms. Clark's hearing. The motion was unanimously approved. The hearing concluded at 11:46 p.m.

## **HEARING MINUTES**

### **HEARING – Mary Hulsing**

The Delaware Board of Nursing held a hearing on May 11, 2011, at 11:50 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Robert Contino, Tracy Littleton, Madelyn Nellius, Delphos Price, Robert Maddex and Pamela Tyranski

**RECUSED:**

**EXCUSED:** Kathy Bradley, Tammy Ward, Mary Lomax, and Lyron Deputy

**PURPOSE:** Proposed to Deny

**PRESIDING:** Evelyn Nicholson, President

**BOARD STAFF:** Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Patricia Davis-Oliva, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:**

**RESPONDENT:** Mary Hulsing

**COUNSEL FOR THE RESPONDENT:**

**WITNESSES FOR THE STATE:**

**WITNESSES FOR THE RESPONDENT:**

**COURT REPORTER PRESENT:** Lorena Hartnett, Wilcox and Fetzer

**TIME STARTED:** 11:50 a.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Hulsing was present for the hearing. The Board went off the record for deliberations at 12:10 p.m. The Board went back on the record at 12:11 p.m. Mr. Price made a motion, seconded by Ms. Halpern, to grant Ms. Hulsing's RN license by endorsement. The motion was unanimously approved. The hearing concluded at 12:12 p.m.

## **EMERGENCY HEARING MINUTES**

### **HEARING – Crystal Wallace**

The Delaware Board of Nursing held a hearing on May 11, 2011, at 1:10 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Robert Contino, Tracy Littleton, Madelyn Nellius, Delphos Price, Pamela Tyranski, and Robert Maddex

**RECUSED:**

**EXCUSED:** Kathy Bradley, Tammy Ward, Mary Lomax, and Lyron Deputy

**PURPOSE:** Emergency Disciplinary Hearing

**PRESIDING:** Evelyn Nicholson, President

**BOARD STAFF:** Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Patricia Davis-Oliva, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** Barbara Gadbois, DAG

**RESPONDENT:** Crystal Wallace

**COUNSEL FOR THE RESPONDENT:** Daniel Griffith, Esq.

**WITNESSES FOR THE STATE:**

**WITNESSES FOR THE RESPONDENT:**

**COURT REPORTER PRESENT:** Lorena Hartnett, Wilcox and Fetzer

**TIME STARTED:** 1:10 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed that Ms. Wallace was not present for the hearing.

Mr. Griffith, Ms. Wallace's counsel, entered documents as Respondent's Exhibit 1. The Exhibit was circulated among the Board members. The Board went off the record for deliberations at 1:30 p.m. The Board went back on the record at 1:39 p.m. Ms. Nellius made a motion, seconded by Dr. Peterson, to approve the temporary suspension of Ms. Wallace's license. Dr. Contino amended the motion to include both Ms. Wallace's RN and LPN licenses. The suspension will be for no longer than 60 days and then a full hearing will take place. The motion was unanimously approved. The hearing concluded at 1:40 p.m.